



FREMONT PLANNING BOARD

October 12, 2005

Meeting Minutes

Present: Co-Chairman Peter Gibb, Mark Pitkin, Leon Holmes, Jr., Larry Stilwell, Conservation Commission rep/Alternate Jack Karcz, Building Inspector Thom Roy and recording Secretary Meredith Bolduc.

Mr. Holmes made the motion that Mr. Karcz be allowed voting rights on any matter to come before tonight's Planning Board meeting.

Motion seconded by Mr. Pitkin with unanimous favorable vote.

Mr. Gibb called the meeting to order at 7:30 p.m.

BLACK ROCKS VILLAGE

Map 3 Lot 015-1

The Board discussed an application for amendment received from David Himmer, Black Rocks Village and the fee structure in place for that project. The application calls for amending the June 16, 2004 conditionally approved plan for 120 elderly which was signed on February 9, 2005. The applicant met with the Board on July 20, 2005 for a preliminary consultation relative to amending his already approved plan. According to the cover letter the amendment includes a redesign of the project with units to include a two-car garage, increasing the width of the units resulting in redesign as well as requiring the units to be combined and relocated to comply with the 35' zoning height requirement. Further, that due to the unit relocation and grading changes the drainage facilities needed to be modified so there are updated drainage calculations submitted. The revised location of the structures forced the relocation of the septic systems and an amended approval is currently being sought from NHDES Subsurface Bureau.

After review of the application and cover letter it was the consensus of the Board that this is a major revision as defined in the Site Plan Review regulations Section 1, definitions. This opinion was confirmed by David West of RPC in a phone conversation with Thom Roy, Code Enforcement Officer. Therefore, fees under zoning Article 14 known as the Elderly Housing Ordinance and under Site Plan Review Regulation 1.18A as adopted March 24, 2004 apply. These fees call for \$350.00 for the first 3 units and \$50.00 for each additional elderly unit. The applicant will be so notified.

10-12-05 PB Minutes
REGULATION AMENDMENTS

The members present signed the recently approved amendments to the Site Plan Review, Subdivision and Excavation Regulations.

GOVERNOR'S FOREST
Map 3 Lot 002

The Board received the following:

1. An e-message from Thom Roy relative to a complaint from Jack Baker about blasting at the Governor's Forest site.
2. A copy of a September 20, 2005 correspondence from the Fremont Fire Chief to Martin Ferwerda, Governor's Forest, advising that he has approved the fire protection system at Governor's Forest with the paving to the hydrant to be completed and that a small leak must be corrected before the system is covered.
3. A copy of a September 20, 2005 correspondence from Community Bank & Trust Company relative to the renewal of the irrevocable letter of Credit for the roadway and associated infrastructure.
4. A copy of a September 21, 2005 correspondence from the Selectmen to Mr. Ferwerda advising him that the conditions of his excavation operation permit have not been met and ordering him to "STOP WORK" on any and all excavation activities at this project and on his site until the conditions relative to a \$90,000.00 Irrevocable Letter of Credit and a written dust control plan submitted to the Town.
5. A copy of an October 6, 2005 summary of chronology correspondence from Mr. Ferwerda to the Selectmen.
6. A copy of an October 7, 2005 Irrevocable Letter of Credit # 0400005119-803 for the Governor's Forest excavation project.

It was noted that at the last meeting there was a discussion relative to the conditions of approval document that were recorded at the Registry of Deeds on February 27, 2004 as they relate to drainage easements. It was agreed to revisit the issue at the next meeting when there were more members present. Mr. Roy suggested that the members may wish to visit the site to see the drainage easement and relative issues.

Mr. Stilwell reported that he and Mr. Karcz visited the site this afternoon and particularly noticed that the silt appears to be outside of the drainage easement. The check dams were rebuilt after this week's rain. The easement is described on the reference plan as a Drainage Easement consisting of a 20' radius arc of a 27' length x 255.66' x 65' x 122' and 150.61' with an area of 9,656 sf. Mr. Stilwell and Mr. Karcz reported that the silt is built up well outside of the easement. The Town Engineer, Lou Caron has made the statement was that there is a problem that needs to be fixed. Mr. Gibb noted that there is a promise identified and the question that should be posed to an Engineer is what should be done to fix the problem. The Board discussed that according to the language of the easement "with respect to the aforesaid drainage facilities, the Town of Fremont, at its option, may enter onto the site or sites, or common area within the Park, to repair and maintain the aforesaid drainage facilities as shown on the aforesaid plan, may assess the

10-12-05 PB Minutes

costs thereof against the owner of the park, and if such owner shall not reimburse the Town of Fremont in a timely fashion, the Town of Fremont may place a lien on said Park for the costs incurred by the Town.”

He presented a chronology that Mr. Ferwerda authored and submitted in which Mr. Ferwerda feels that he is compliant to all issues. Mr. Roy reported that last week Mr. Ferwerda met with the Selectmen who lifted the permitting and inspection limitations as per his October 10, 2005 agreement that the records would indicate that the elements have been met except for the drainage easement at the RT 107 area. Mr. Roy also noted in that correspondence that “all efforts to control the drainage issue have failed and it must be clear that this matter needs to be corrected by the developer in a timely fashion.” Mr. Roy further reported that the Selectmen have lifted the cease and desist, though the erosion control issues are kept on the table. Mr. Gibb stated that the RSA clearly states that there is no impact to abutters.

The Board agreed that a serious problem does exist and they will revisit progress of this project at the October 26, 2005 at 8:00 pm, two weeks from today, before taking any further action on the matter. Mr. Ferwerda will be so notified.

SEACOAST FARMS

Map 5 Lot 035

The Board reviewed the following relative to the Seacoast Farms operation:

1. The September 22, 2005 letter from the Planning Board to Robert Kelly of Seacoast Farms relative to continued odor problems.
2. A September 26, 2005 e-message of odor complaint from Randy Grasso relative to the Seacoast Farms project, Map 5 Lot 035.
3. A copy of an October 5, 2005 e-message from Code Enforcement office Thom Roy to Mr. Kelly relative to complaints of operating after hours.
4. A copy of an October 5, 2005 correspondence from NHDES to Mr. Kelly relative to continuing odor complaints requesting him to submit a revision to the operating plan.

Mr. Roy stated that a revision would be a mitigation plan.

DAKOTA REALTY TRUST

Map 1 Lot 035

The Board received and discussed a September 30, 2005 final bond release request for Treaty Court Subdivision Phase II. It was agreed that more information is necessary before the Board recommends the release.

10-12-05 PB Minutes

MINUTES

The minutes of September 21, 2005 were not addressed as there were not enough members present. They will be addressed at the next meeting.

RPC

The Board received a copy of a September 30, 2005 correspondence from RPC to the Selectmen relative to Fremont's 2006 dues. It is calculated based on the NH Office of State Planning's 1999 population estimate for Fremont of 3977 and an .85 per capita, this is an increase of \$122.00 over last year.

There was some discussion relative to whether the dues include telephone support. Mrs. Bolduc reported that she had contacted Glen Greenwood at RPC who stated that contact to RPC by a town is logged under the respective circuit rider contract and is not generally considered to be part of what the dues are for which is mapping, grants, etc.

Mr. Stilwell made the motion to recommend to the Selectmen the payment of the requested amount of \$3,380.00.

Motion seconded by Mr. Holmes with unanimous favorable vote.

The Board received copy of a September 20, 2005 correspondence from the Selectmen's office to RPC noting the payment of \$3420.00 representing the balance on the 2005-06 Circuit Rider Contract. Also received from RPC was a September 22, 2005 memorandum relative to the Governors Advisory Commission on Intermodal Transportation (GACIT) hearings on the Draft 10 Year Transportation improvement Program.

INLAW APARTMENTS and ZONING ORDINANCES

There was a general discussion relative to whether the Board wants to come up with criteria for the creation of a zoning regulation for In-Law Apartments. It was agreed that this issue will be on the agenda for the October 26, 2005 work session as will be other possible zoning issues. It was agreed to request David West of RPC to do a draft of an adult entertainment ordinance.

CORRESPONDENCE

The Board reviewed all correspondences including:

1. Selectmen's meeting minutes of September 22 & 29, 2005
2. Copy of a September 27, 2005 from the Selectmen to Saugusbank relative to the updated Irrevocable Letter of Credit for the Cooperage Forest Subdivision/Coopers Corner project, Map 3 Lots 037 & 054-1.

Mr. Pitkin made the motion to adjourn at 10:05 P.M.

Motion seconded by Mr. Holmes with unanimous favorable vote.

Respectfully submitted,

Meredith Bolduc, Secretary